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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,018	11/20/2001	Peter Wilens	PRW-100-A	6128

7590

10/05/2005

Peter Wilens  
2331 Cheswick Drive  
Troy, MI 48084

EXAMINER
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ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/997,018

Applicant(s)

WILENS, PETER

Examiner

Haythim J. Alaubaidi

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 20-22, 32-34 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 20-22 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10 and 36-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This communication is a Final Office Action in response to the amendment filed on July 07, 2005.
2. Claims 1-10, 20-22, 32-34 and 36-40, are presented for examination following the amendment filed on July 07, 2005.
3. The Examiner acknowledges the cancellation of Claims 11-19, 23-31 and 35.
4. Claims 1-3, 6-10 and 39, are rejected under 35 U.S.C. 103(a).
5. Claims 4-5, 20-22 and 32-34 are allowed over the prior art of record.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3 and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6-10 and 39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew B. Sutcliffe (U.S. Patent No. 6,249,282 and Sutcliffe

hereinafter) in view of Michael Olivier (U.S. Patent No. 6,480,885 and Olivier hereinafter) and further in view of Bagher Rouhollahzadeh (U.S. Patent No. 6,208,866 and Rouhollahzadeh hereinafter).

Regarding Claims 1 and 39, Sutcliffe discloses:

- providing access to a database of profile information (Figure 1, Element 22 and corresponding text)

- registering profile information in the database (Figure 3A, Element 200 and 202 and corresponding text)

Although Sutcliffe discloses matching one user with another and that the result of the match can be ordered (as in sorted) (Col 2, Line 65 through Col 3, Line 3) which indicates that the result of the match is really a list or a group of users or subscribers with similar characteristics, yet Sutcliffe's reference does not explicitly indicate the multiple fields, grouping said subscriber with at least two said fellow subscribers to form at least one group, wherein all the subscribers' profile in said group are similar to each other; and the limitation of communicating said subscribers of said group to said subscribers and to better address all the limitations of the claim, the Examiner is combining a second reference for Olivier.

Olivier teaches:

- multiple fields (Figure No. 4, Element No. 402, 406, 412 and 416)

grouping said subscriber with said at least two of said fellow subscribers to form at least one group based on similarity (Col 15, Line 52 through Col 16, Line 10; see also Col 14, Lines 62-65; see also Col 20, Lines 30-35);

wherein said multiple fields in each subscriber's profile are similar (Col 20, Lines 55-66, i.e. meet all three sets of acceptance criteria); and

communicating said subscribers of said group to said subscribers (Col 20, Lines 30-37; see also Col 24, Lines 36-38)<sup>1</sup>.

Given the intended broad application of the Sutcliffe system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sutcliffe with the teachings of Olivier to form a group of three or to match at least two users to another one and display the group on a display, as one would like to present the most matches with the best results to the user and at the same time provide the user with a better flexibility in the system to have more than one or two users or subscribers in the group, for instance in a discussion group, increasing the flexibility would lead to a more successful discussion by having more than one or two opinions to participate.

The combination of both Sutcliffe and Olivier teaches all of the claimed subject matter set forth above, including time and how it is being factored in to the consideration please see Oliver (Col 19, Lines 40-55 and Col 25, Lines 32-54), except both Sutcliffe

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and Olivier are explicit in teaching that a time is being used as a criteria. However, Rouhollahzadeh teaches time as a criteria, please see (Col 3, Lines 30-44).

it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of both Sutcliffe and Olivier with the teachings of Rouhollahzadeh to by adding another criteria, such as time to further limit the type of preferred subscriber to also include a preferred time of meeting; using time and or even location would be obvious and would not render the claim allowable nor would it rise to the level of patentability. Many preferences can be set as criteria to increase the system's flexibility in attracting additional users and subscribers that would also lead to an increase in profit.

Regarding Claim 2, Sutcliffe discloses biographic information of the subscriber (Figure 2A, Element No. 50, 54 and 54A).

Regarding Claim 3, Sutcliffe discloses personal preferences of the subscriber (Figure 2A, Element No. 52).

Regarding Claim 6, the limitation of this claim has been noted in the rejected claim 1, above. It is therefor rejected as set forth above.

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<sup>1</sup> Please note that Sutcliffe's reference also discloses the display feature of the current claim, please see (Col 3, Lines 15-17; see also Figure 5, Element 108).

Regarding Claim 7, Olivier discloses utilizing subscriber's own matching criteria for establishing an acceptable level of similarities (Col 19, Lines 56-58).

Regarding Claim 8, Olivier discloses

selecting meeting time (Col 10, Lines 28-30)

notifying said subscribers of meeting time (Col 10, Lines 31-33).

Regarding Claims 9 and 10, Olivier discloses posting messages and real-time also (Col 25, Lines 32-34).

9. Claims 36-38 and 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew B. Sutcliffe (U.S. Patent No. 6,249,282 and Sutcliffe hereinafter) in view of Michael Olivier (U.S. Patent No. 6,480,885 and Olivier hereinafter)

Regarding Claims 36-38 and 40, Sutcliffe discloses:

providing access to a database of profile information (Figure 1, Element 22 and corresponding text)

registering profile information in the database (Figure 3A, Element 200 and 202 and corresponding text)

Although Sutcliffe discloses matching one user with another and that the result of the match can be ordered (as in sorted) (Col 2, Line 65 through Col 3, Line 3) which

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indicates that the result of the match is really a list or a group of users or subscribers with similar characteristics, yet Sutcliffe's reference does not explicitly indicate the multiple fields, grouping said subscriber with at least two said fellow subscribers to form at least one group, wherein all the subscribers' profile in said group are similar to each other; and the limitation of communicating said subscribers of said group to said subscribers and to better address all the limitations of the claim, the Examiner is combining a second reference for Olivier.

Olivier teaches:

multiple fields (Figure No. 4, Element No. 402, 406, 412 and 416)

grouping said subscriber with said at least two of said fellow subscribers to form at least one group based on similarity (Col 15, Line 52 through Col 16, Line 10; see also Col 14, Lines 62-65; see also Col 20, Lines 30-35);

wherein said multiple fields in each subscriber's profile are similar (Col 20, Lines 55-66, i.e. meet all three sets of acceptance criteria);

using an algorithm that selects subscribers for inclusion in the group after comparing the characteristics of each subscriber (please see Figure 5A and corresponding text; see also Figure No. 5B and corresponding text; see also Col 18, Lines 5-18; see also Col 19, Lines 56-58); and



communicating said subscribers of said group to said subscribers (Col 20, Lines 30-37; see also Col 24, Lines 36-38)<sup>2</sup>.

Given the intended broad application of the Sutcliffe system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sutcliffe with the teachings of Olivier to form a group of three or to match at least two users to another one and display the group on a display, as one would like to present the most matches with the best results to the user and at the same time provide the user with a better flexibility in the system to have more than one or two users or subscribers in the group, for instance in a discussion group, increasing the flexibility would lead to a more successful discussion by having more than one or two opinions to participate.

***Allowable Subject Matter***

10. Claims 4-5, 20-22 and 32-34 are allowed over the prior art of record.

11. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Claims 4, 20 and 32-34, Applicant's particular Method for grouping subscribers by common preferences is grouping said subscriber with at least two of said

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<sup>2</sup> Please note that Sutcliffe's reference also discloses the display feature of the current claim, please see

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fellow subscribers by applying an algorithm to determine a level of similarity between said subscriber and said fellow subscribers, wherein preference disclosed in said subscriber's profile information are assigned integer values concatenated to form a lookup key, and used to access an entry in a table containing the corresponding similarity value between the two preferences; and the limitation of summing similarity values for all profile preferences to create a final similarity total for said subscribers in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art.

Dependent Claim 5, being further limiting to independent Claim 4; dependent Claims 21-22, being further limiting to independent Claim 20, definite and enabled by the Specification are also allowed.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Other Prior Art Made of Record***

13. a. Rouhollahzadeh et al. (U.S. Patent No. 6208866) discloses a system and method for location-based marketing to mobile stations within a cellular network.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

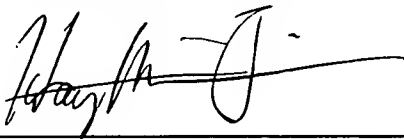
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

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Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at  
our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the  
Randolph Building at 401 Dulany Street, Alexandria, VA 22314

A handwritten signature in black ink, appearing to read "Wayne J.", written over a horizontal line.

Patent Examiner  
Technology Center 2100  
Art Unit 2161

A handwritten signature in black ink, appearing to read "Frantz Coby", written over the printed name.

**FRANTZ COBY**  
**PRIMARY EXAMINER**